IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO.14458 of 2006

DATE OF DECISION : 12.9.2006

Mahavir Singh

.....PETITIONER

VERSUS

State of Haryana and others.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE M.M.S.BEDI

PRESENT: Mr. DS Patwalia, Advocate for petitioner.

M.M.KUMAR,J.

This petition is directed against order dated 29.8.2006 (Annexure P-1). The principal ground urged is that earlier CWP No. 4526 of 1999 was filed raising the issue of wrong adjustment on the restructuring of the cadre of the petitioner. The Department of Agriculture was restructred by the Rules known as Haryana Subordinate Agricultural (Group C) Service Rules,1993 (for short 'the Rules'). As per Rule 9 of the Rules, five cadres were made in the erstwhile cadre of Agriculture Development Officer. The petitioner opted for Soil Conservation/Soil Survey/Soil Testing cadre. However, he was put under the Administrative cadre which was the subject matter of challenge in the aforementioned writ petition. During the pendency of that writ petition, C.M.No.12881 of 2001 was filed for issuance of interim directions when the petitioner was sought to be shifted to Administrative Cadre. This Court had graned status quo on

22.5.2001 in respect of further transfer. The petitioner is now sought to be transferred within the cadre to which he has opted i.e. Soil Conservation/Soil Survey/ Soil Testing cadre after he has remained in the same cadre in view of the status quo order. On that count we do not wish to entertain any legal hurdle in the ways of the respondents to transfer him within that cadre. However, Mr. D.S.Patwalia, learned counsel for the petitioner has pointed out that there is a factual error in the order of transfer (Annexure P-1) inasmuch as there is no Head Quarter of Soil Conservation/Soil Survey/ Soil Testing cadre at Ambala but it is at Barwala. Therefore, even if he is sought to be transferred from Kandiwala, which is under ASCO Panchkula to Ambala, then his Head Quarter is to continue at Barwala.

For the aforementioned factual error, we deem it just and proper that the appropriate remedy for the petitioner is to file a representation before the respondents by bringing that error to their notice. Let the representation be filed within a period of two weeks under Registered A.D.cover before respondent No.2, who shall take a decision thereon within four weeks of its receipt by passing a speaking order and correct the transfer order if any error is found.

The writ petition stands disposed of in the above terms.

Copy of the order be given dasti to the counsel for the petitioner on payment of usual charges.

(M.M.KUMAR)
JUDGE

September 12 ,2006 (M.M.S.BEDI)
TSM JUDGE